

REMARKS

Claims 1, 3-8 and 10-14 remain pending in the application.

The Applicant respectfully requests that the Examiner reconsider earlier rejections in light of the following remarks. No new issues are raised nor is further search required as a result of the changes made herein. Entry of the Amendment is respectfully requested.

Objection of claims 6 and 10

The Office Action objects to claims 6 and 10 for allegedly being dependent upon canceled claims. Claims 6 and 10 are amended herein to correct their respective dependencies. The Applicant respectfully requests that the object to claims 6 and 10 be withdrawn.

Claims 1, 3-8 and 10-14 over Turtiainen in view of KIV-7

In the Office Action, claims 1, 3-8 and 10-14 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent Appl. Pub. No. 2002/0059516 to Turtiainen et al. ("Turtiainen") in view of The Complete PC Solution for the KIV-7 ("KIV-7"). The Applicant respectfully traverses the rejection.

Claims 1, 3-8 and 10-14 recite a system and method of combining a VoIP data stream and data communications to form a **single combined data stream**, and encrypting the **single combined data stream** through a single Type 1 encryption unit into an encrypted data stream.

The Examiner responds in the Response to Arguments section of the Office Action to the Applicant's previous argument that Turtiainen fails to teach combining a VoIP data stream and data communications to form a combined data stream. The Examiner alleges that "since both data/text and voice can communicate between the workstation node shown on figure 1, ref. Num "4" and mobile device shown on figure 1, ref. Num "1" then both and voice and data can be combined at each node shown on figure 1, ref. Num, "3", "7" and "1". (see Office Action, page 3) The Applicant respectfully disagrees.

The Examiner points to various single common points within Turtiainen's communication network where both VoIP data stream and data communications can pass. However, Turtiainen doesn't disclose combination of separate data streams at those points into a **single combined data stream** as claimed.

If the Turtiainen VoIP data that the Examiner alleges is sourced from mobile device 1 were **combined** with data communications that the Examiner alleges is sourced from correspondent host 4 (see Office Action, page 3), both the mobile device 1 and the correspondent host 4 would receive whatever data were combined. They do not. For data communications over a data communication network to work properly, such as Turtiainen's Internet 5 and Access Network 6, data from various sources are kept separate from other data, i.e., not combined. Thus, the cited reference would teach away from the present invention by teaching separate data communications.

Turtiainen fails to disclose, teach or suggest a system and method of combining a VoIP data stream and data communications to form a **single combined data stream**, as recited by claims 1, 3-8 and 10-14.

The Examiner's analysis of Turtiainen is based on conjecture. The Examiner appears to take the position that since both data/text and voice can communicate through common nodes within a data network, then the communications must be combined at each node. Turtiainen fails to **disclose** that gateways 3 & 7 perform any type of **combining** of data into a **single data stream**.

As specified in MPEP §2143.03, entitled "**All Claim Limitations Must Be Taught or Suggested**": "To establish prima facie obviousness of a claimed invention, **all** the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). 'All words in a claim must be considered in judging the patentability of that claim against the prior art.' In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)." MPEP §2143.03 at 2100-133 (Rev. 2, May 2004). Turtiainen fails to teach combination of data streams as claimed.

The Examiner responds in the Response to Arguments section of the Office Action to the Applicant's previous argument that Turtiainen fails to teach encrypting a combined data stream into an encrypted data stream. The Examiner points to Turtiainen's Figure 5 block entitled "Streamed VoIP data encrypted at sender using encrypted data". Turtiainen block from Figure 5 at **best** teaches encryption of a single VoIP data stream. Turtiainen Figure 5 fails to teach encrypting a **single combined data stream** into an encrypted data stream, as recited by claims 1, 3-8 and 10-14.

The Examiner acknowledged that Turtiainen does not explicitly disclose "encrypting data using a Type 1 encryption unit." (see Office Action, page 4), for which he relied on KIV-7 to allegedly disclose.

KIV-7 is an advertisement for a KIV-7 add-on card for a computer. KIV-7 fails to teach anything related to combining a VoIP data stream and data communications to form a **single combined data stream**, much less encrypting the combined data stream through a single Type 1 encryption unit into an encrypted data stream, as recited by claims 1, 3-8 and 10-14.

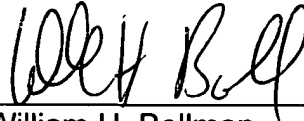
Thus, Turtiainen and KIV-7, either alone or in combination, fail to disclose, teach or suggest a system and method of combining a VoIP data stream and data communications to form a **single combined data stream**, much less encrypting such a **single combined data stream** through a single Type 1 encryption unit into an encrypted data stream, as recited by claims 1, 3-8 and 10-14.

Accordingly, for at least all the above reasons, claims 1, 3-8 and 10-14 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and/or rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'W H Bollman', written over a horizontal line.

William H. Bollman

Reg. No.: 36,457

Tel. (202) 261-1020

Fax. (202) 887-0336

MANELLI DENISON & SELTER PLLC

2000 M Street, N.W. 7th Floor

Washington D.C. 20036-3307

WHB/df